



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004033

Applicant Name: Kelly Byrne

Address of Proposal: 4846 40th Avenue S.W.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under Project #8906301.

The following approval is required:

Short Subdivision - To divide one parcel of land into four unit lots.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 5,697.7 square feet and is located in a Multi-Family Lowrise One (L-1) zone on 40th Avenue S.W. between S.W. Edmunds St. and S.W. Hudson St. 40th Avenue S.W. is a two-lane paved street with sidewalks, curbs, and gutters on both sides. The lot has approximately 42-feet of street frontage on 40th Avenue S.W. The site is approximately 135.67-feet deep and has vehicular access from a 16-foot concrete alley. Vegetation on site is grass, scrubs and trees.

Area Development

Zoning on site is multi-family Lowrise-One (L-1). Directly to the north is a patch of Lowrise-two zoning and directly north of the L-2 on the corner of S.W. Edmunds and 40th Avenue S.W. is Neighborhood Commercial (NC3-40') zoning. To the east along Fauntleroy Way S.W. is Lowrise-three (L-3) and southeast of that is Lowrise-Duplex-Tripex (LDT) zoning. Directly to the west and south of the subject site is single-family with a minimum lot size of 5,000 square feet (SF5000). The immediate and surrounding areas are predominately multi-family and single-family use with commercial use growing heavier along Fauntleroy Way S.W.

Proposal Description

The applicant proposes to subdivide one parcel of land into four unit lots. Proposed unit lot sizes are: A) 1,220.4 square feet, B) 1,226 square feet C) 1,625.6 square feet and D) 1,625.7 square feet. Five Vehicle Parking Pads are provided by an Ingress, Egress and Parking Easement in under structure garages. A four foot Pedestrian easement has been provided across the north side of the property for the benefit of unit lots A and D. A four foot Pedestrian easement has also been provided across the south side of the property for the benefit of unit lots B and C.

Public Comments

No comment letters were received during the comment period that ended on March 22nd, 2006.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

A construction permit that dealt with all development standards for townhouses in the L-1 zone, Project No. 89006301, was issued for the parent lot. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Five Vehicle Parking Pads are provided by an Ingress, Egress and Parking Easement in under structure garages. A four foot Pedestrian easement has been provided across the north side of the property for the benefit of unit lots A and D. A four foot Pedestrian easement has also been provided across the south side of the property for the benefit of unit lots B and C.

In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light requires an overhead/underground power easement **over the North 6 feet of Unit Lot D and the South 6 feet of Unit Lot C.**

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. Adequacy of water supply, sanitary sewage disposal, and drainage;

Sanitary Sewer: The existing 4-plex apartment is connected by means of a shared sidesewer, also serving the duplex to the south addressed as 4850- 40th Ave. SW, to a 8-inch public sanitary sewer (PSS) located in 40th Ave SW.

Drainage: The existing property has a separated storm drain and pump system that discharges through a curb weep hole on SW Hudson St

Seattle Public Utilities reviewed the unit lot subdivision application and approved a **Water Availability Certificate, No. 20060440 on March 13th, 2006.** All conditions on the certificate must be met prior to receiving water service.

4. Whether the public use and interests are served by permitting the proposed division of land;

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;

The site is not mapped as an Environmentally Critical Area.

6. Is designed to maximize the retention of existing trees;

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No tree is expected to be removed as a result of this short subdivision.

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional

development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
3. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
4. Provide an easement for proper posting of address signage that is visible from the street.

Signature: (signature on file)
Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services

Date: April 27, 2006